

# HOUSE BILL REPORT

## HB 1517

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### As Amended by the Senate

**Title:** An act relating to the restoration of the right to vote for people who were convicted of felonies.

**Brief Description:** Changing requirements for the restoration of the right to vote for people convicted of felonies.

**Sponsors:** Representatives Darneille, Green, Dickerson, Goodman, Ormsby, Roberts, Flannigan, Pedersen, Appleton, Upthegrove, Simpson, Hasegawa, Chase, Lias, Miloscia, Kagi, Hudgins, Hunt, Santos, Wood, Moeller, Williams, Kenney, Carlyle, Nelson and Quall.

### Brief History:

#### Committee Activity:

State Government & Tribal Affairs: 2/12/09, 2/20/09 [DPS].

#### Floor Activity

Passed House: 3/10/09, 53-43.

Senate Amended.

Passed Senate: 4/15/09, 29-19.

### Brief Summary of Bill

- Restores the right to vote to persons convicted of a felony in a Washington State Court when he or she ceases to be in the custody of the Department of Corrections.
- Restores the right to vote to persons convicted of a felony in a federal court or any state court other than a Washington State Court as long as he or she is no longer incarcerated.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan, Hurst and Miloscia.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Armstrong, Ranking Minority Member; Alexander.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Tracey O'Brien (786-7196)

**Background:**

The Washington Constitution prohibits persons convicted of an “infamous crime” from voting unless his or her civil rights are restored. “Infamous crime” is defined as a crime punishable by death or imprisonment in a state correctional facility.

A county auditor must cancel a person's voter registration upon receiving official notice of that person's conviction from a state or federal court. The Secretary of State (SOS), in conjunction with appropriate state agencies, arranges for a quarterly comparison of a list of known felons with the statewide voter registration list. If a match is found, the SOS or county auditor suspends the voter registration and sends notice of the proposed cancellation to the last known registration address. If the person does not respond within 30 days, the registration is cancelled.

A criminal sentence pursuant to a felony conviction may include: a term of incarceration, community custody, an obligation to pay legal financial obligations (LFOs), or a combination of incarceration, community custody, and LFOs. Legal financial obligations can include victim restitution, crime victims' compensation fees, costs of defense, court appointed attorneys fees, and fines.

If a person completes all the requirements of his or her sentence while under the supervision of the Department of Corrections (DOC), the DOC must notify the sentencing court. If the person completes all the requirements of his or her sentence, except payments of the LFOs, the DOC must notify the county clerk. Once the person has completed payment of his or her LFOs, the county clerk must then notify the sentencing court. When the court receives adequate notification that the offender's sentence has been completed, it must issue the person a certificate of discharge, which restores most of the person's civil rights, including the right to vote.

**Summary of Bill:**

For persons convicted of a felony in a Washington court, the right to vote is restored so long as the person is not under the authority of the DOC. A person is "under the authority of the DOC" if the person is serving a sentence of confinement in the custody of the DOC, or is subject to community custody, community placement, or community supervision.

For persons convicted of a felony in a federal court or any state court other than a Washington court, the right to vote is restored so long as he or she is no longer incarcerated.

Although the right to vote is restored, he or she must re-register to vote with the SOS or the county auditor.

At least twice a year, the SOS must compare the list of registered voters to a list of felons who are under the authority of the DOC. The requirement that the clerk of the court shall send a notice of conviction within 14 days of the entry of a judgment of conviction to the

county auditor or custodian of voting records for the county of the defendant's residence is eliminated.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment restores the right to vote provisionally so long as the person convicted of a felony in a Washington state court is no longer under the authority of the department of corrections. The provisional right to vote may be revoked by the sentencing court if the court finds that the person has willfully failed to comply with the order to pay his or her legal financial obligations (LFO). If the person has failed to make three LFO payments in a twelve-month period and the county clerk or restitution recipient requests, the prosecutor shall seek the revocation of the provisional restoration of voting rights from the court. This revocation shall remain in effect until the person whose provisional right to vote has been revoked demonstrates to the court he or she has made a good faith effort to pay his or her LFOs. The county clerk shall enter into a database maintained by the Administrator for the Courts the names of all persons whose provisional voting rights have been revoked and update the database for any person whose voting rights are permanently restored. The right to vote is permanently restored if the person meets the current statutory requirements for restoration of voting rights for each felony conviction.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Our current system is unworkable and unfair. There are more than 167,000 Washington citizens that are prohibited from voting due to our state's complicated system for the restoration of voting rights. This disproportionately impacts the poor and people of color. Restoration of voting rights currently depends on the repayment of the LFOs which are subject to a 12 percent interest rate. This acts as a modern poll tax on poor offenders. By creating a bright-line for the restoration of voting rights, we can simplify a complicated, costly and ineffective system. There is no complete list of ineligible felons to use for screening. Also, when and how the right to vote is restored is a patchwork of time frames and circumstances. This creates a risk of inaccurate administration and enforcement by the state and local court officials and election officials. In addition, the restoration of the right to vote encourages offenders to reconnect with their community and become good citizens, thus reducing the risk of recidivism.

(Neutral) This is a state level policy decision to address a need to clarify who has the right to vote.

(Opposed) This changes the current law and allows the right to vote for felons who have not completed their LFOs. The LFOs include the restitution to the victims. By restoring the right to vote to a felon before the completion of their repayment of restitution, we will

eliminate a powerful incentive to complete the repayment. In addition, this could be further compounded by any early releases of felons from prison as the result of our current budget crisis. Victims must come first and this legislation places the interests of the offenders above their victims.

**Persons Testifying:** (In support) Representative Darneille, prime sponsor; Katie Blinn, Office of the Secretary of State; Barbara Seittle, League of Women Voters; William Crapeau, American Civil Liberties Union; Reverend Jimmy James, Washington Christian Leaders Coalition; Jim Morris, Governor's Committee on Disabilities and Employment; David Lord, Disabilities Rights Washington; Sam Merrill, Friends Committee on Washington Public Policy; Tony Orange, Seattle King County National Association for the Advancement of Colored People; and Christie Perkins, Washington State Special Education Coalition.

(Neutral) Kim Wyman, Washington Association of County Auditors.

(Opposed) William Hoffecker.

**Persons Signed In To Testify But Not Testifying:** None.